

PATENT APPLICATION DECLARATION  
(Attorney's Docket No.: VITA.001US0)

Each of the Applicants named below hereby declares as follows:

1. My residence, post office address and country of citizenship given below are true and correct.

2. I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought in the patent application entitled "RAPID NON-INVASIVE BLOOD PRESSURE MEASURING DEVICE," Serial No. 08/672,218, filed June 26, 1996, and I have reviewed and understand the contents of the specification, including its claims.

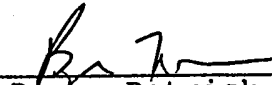
3. I acknowledge my duty to disclose to the Office all information known to me to be material to patentability of this application, in accordance with 37 C.F.R. Section 1.56, which is defined on the attached page.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_

8/8/96

Residence and  
Post Office Address:

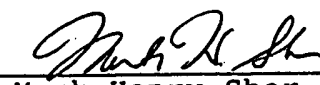


Bryan Patrick Flaherty  
327 Filbert Street  
Half Moon Bay, California 94019  
(Citizenship: U.S.A.)

Date: \_\_\_\_\_

8/8/96

Residence and  
Post Office Address:



Mark Henry Sher  
1770 Broadway  
San Francisco, California 94109  
(Citizenship: U.S.A.)

Date:

8/8/96

Richard G. Caro

Residence and  
Post Office Address:

Richard G. Caro  
461 Second Street  
San Francisco, California 94111  
(Citizenship: U.S.A.)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Bryan Patrick Flaherty, et al.	)	Group Art Unit 3736
			)	
App. No.	:	09/412,295	)	
			)	
Filed	:	October 5, 1999	)	
			)	
For	:	RAPID NON-INVASIVE BLOOD	)	
		PRESSURE MEASURING DEVICE	)	
			)	
Examiner	:	Robert L. Nasser	)	
			)	

---

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The present application is a continuation of U.S. Patent Application No. 08/672,218, filed on June 26, 1996, now U.S. Patent No. 6,027,452. A true copy of the original Assignment of U.S. Patent Application No. 08/672,218 from the Inventors to Vital Insite, Inc., recorded at Reel 8201, Frame 0663, is attached hereto. In addition, a true copy of the Assignment of U.S. Patent Application No. 08/672,218, including "all divisions, continuations, reissues, reexaminations, renewals, and extensions thereof," from Vital Insite to the Assignee, is attached hereto. Therefore, the foregoing Assignments represent the entire chain of title of this invention from the Inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or

App. N . : Flaherty, et al.  
Filed : October 5, 1999

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants f Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Masimo Corporation

Dated: 9-15-00

By:   
Joe Kiani

Title: President and CEO

Address: 2582 Kelvin Avenue  
Irvine, California 92614

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091400



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DECEMBER 31, 1996

PTAS

MAJESTIC, PARSONS, SIEBERT & HSUE  
GERALD P. PARSONS, ESQ.  
FOUR EMBARCADERO CENTER  
SUITE 1100  
SAN FRANCISCO, CA 94111



\*100299260A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/17/1996

REEL/FRAME: 8201/0663  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FLAHERTY, BRYAN PATRICK

DOC DATE: 08/08/1996

ASSIGNOR:

SHER, MARK HENRY

DOC DATE: 08/08/1996

ASSIGNOR:

CARO, RICHARD G.

DOC DATE: 08/08/1996

ASSIGNEE:

VITA INSITE, INC.  
830 DUBUGUE AVENUE  
SOUTH SAN FRANCISCO, CALIFORNIA  
94080

SERIAL NUMBER: 08672218  
PATENT NUMBER:

FILING DATE: 06/27/1996  
ISSUE DATE:

MPS&H FILE VITA.COILSO			
MM		CSR	
GPP			
JSS	JPG		
JSH	ADR		
KN	GLF	GC	
	LJP		

8201/0663 PAGE 2

JERYL MCDOWELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

R

11-04-1996

EET

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Tab: settings 000

To the Honorable Commissioner of F

100299260

attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Bryan Patrick Flaherty  
Mark Henry Sher  
Richard G. CaroAdditional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: August 8, 1996

## 2. Name and address of receiving party(ies)

Name: Vital Insite, Inc.

Internal Address: 78562 U.S. PTO



11/01/96

Street Address: 830 Dubuque Avenue

South  
City: San Francisco, State: CA ZIP: 94080Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

08/672,218

## B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Gerald P. Parsons, Esq.

Internal Address: Majestic, Parsons,  
Siebert & Hsue

Street Address: Four Embarcadero Center

Suite 1100

City: San Francisco, State: CA ZIP: 94111

## 6. Total number of applications and patents involved: one

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit account number:

13-1030

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Gerald P. Parsons

Name of Person Signing

Signature

Date

5

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

VITA.001US0

66-416-000



## A S S I G N M E N T

WHEREAS, BRYAN PATRICK FLAHERTY, a resident of Half Moon Bay, California, MARK HENRY SHER, a resident of San Francisco, and RICHARD G. CARO, a resident of San Francisco, California, hereinafter referred to as "Assignors," have invented certain new and useful improvements as described and set forth in an application for Letters Patent of the United States entitled RAPID NON-INVASIVE BLOOD PRESSURE MEASURING DEVICE, filed with the U.S. Patent Office on June 26, 1996 under Serial No. 08/672,218;

WHEREAS, Vital Insite, Inc., a Corporation of the State of California, having a place of business at 830 Dubuque Avenue, South San Francisco, California 94080, hereinafter referred to as "Assignee," desires to acquire the entire right, title and interest in and to said application, said invention, said improvements and all Letters Patent which may be granted thereon in the United States or any foreign country;

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by Assignors,

1. Assignors hereby sell, assign, transfer and convey to Assignee the entire worldwide right, title and interest in and to said application, said invention and said improvements, and in and to any and all Letters Patent on said invention and improvements that may be granted by the United States or any foreign country, including any divisions, substitutions, continuations in whole or in part, conversions, reissues, additions or extensions thereof, said interest to be held and enjoyed by Assignee as fully and exclusively as it would have



been held and enjoyed by said Assignors had this Assignment and transfer not been made.

2. Assignors hereby warrant, covenant and represent that they have not heretofore granted any license, right or privilege with respect to said application, invention or improvements, or in any other way encumbered the same, and that they have the full right to make this Assignment.

3. Assignors further agree that at the request and expense of Assignee, but without charge to said Assignee, they will promptly execute all papers necessary or desirable to perfect ownership of said invention, improvements, applications or said Letters Patent, in said Assignee, and will execute all oaths and other papers, within the truth, that are necessary or desirable for prosecuting said application, for use in interference proceedings involving said invention or improvements, for refiling said applications, for filing of said divisional, substitution, continuation or continuation-in-part applications covering said invention or improvements which are deemed necessary or desirable by Assignee, for reissuance or reexamination of said Letters Patent, or for the filing in foreign countries of applications for Letters Patent covering said invention or improvements.

4. The terms, covenants and provisions of this Assignment shall inure to the benefit of Assignee, its successors, assigns and other legal representatives, and shall be binding upon Assignors, their heirs, legal representatives and assigns.

IN TESTIMONY WHEREOF, we have executed and delivered to Assignee this instrument on the day(s) mentioned below.

8/8/96  
Date

Bryan Patrick Flaherty  
Bryan Patrick Flaherty

8/8/96  
Date

Mark Henry Sher  
Mark Henry Sher

8.8.96.  
Date

Richard G. Caro  
Richard G. Caro

State of California )  
County of CALIFORNIA )  
SAN MATEO

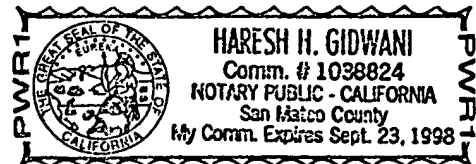
ss.

On 8<sup>TH</sup> August 1996, before me, HARESH N. GIDWANI,  
personally appeared BRYAN PATRICK FLAHERTY,  
personally known to me/proved to me on the basis of satisfactory  
evidence to be the persons whose names are subscribed to the  
within instrument and acknowledged to me that ~~they~~ <sup>HE</sup> executed the  
same in their authorized capacities, and that by their signatures  
on the instrument the persons, or the entity upon behalf of which  
the persons acted, executed the instrument. HC

WITNESS my hand and official seal.

H. N. Gidwani  
Notary Public

(SEAL)



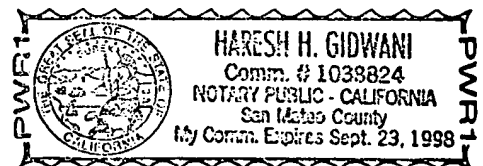
State of California )  
County of CALIFORNIA ) ss.  
SAN MATEO

On 8<sup>TH</sup> August 1996, before me, HARESH H. N. GIDWANI,  
personally appeared MARK HENRY SHER,  
personally known to me/proved to me on the basis of satisfactory  
evidence to be the persons whose names are subscribed to the  
within instrument and acknowledged to me that ~~they~~ executed the <sup>HE</sup>  
same in their authorized capacities, and that by their signatures  
on the instrument the persons, or the entity upon behalf of which  
the persons acted, executed the instrument.

WITNESS my hand and official seal.

H. H. Gidwani  
Notary Public

(SEAL)



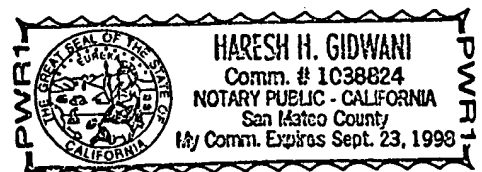
State of California )  
County of SAN MATEO ) ss.

On 8<sup>TH</sup> August, 1996, before me, HARESH H. N. GIDWANI,  
personally appeared RICHARD G. CARD,  
personally known to me/proved to me on the basis of satisfactory  
evidence to be the persons whose names are subscribed to the  
within instrument and acknowledged to me that ~~they~~ executed the <sup>HE</sup>  
same in their authorized capacities, and that by their signatures  
on the instrument the persons, or the entity upon behalf of which  
the persons acted, executed the instrument.

WITNESS my hand and official seal.

H. H. Gidwani  
Notary Public

(SEAL)



PATENT  
Any Docket No. MASIMO.208GEN  
Page 1

### ASSIGNMENT

WHEREAS, Vital InSite Inc., a California corporation having offices at 830 Dubuque Ave., South San Francisco, California 94080 (hereinafter "ASSIGNOR"), represents and warrants that it is the sole owner of the entire right, title, and interest to certain new and useful improvements for which ASSIGNOR has filed the United States applications for Letters Patents in the United States (hereinafter "the Patent Applications") listed on Schedule A:

WHEREAS, Masimo Corporation, a Delaware corporation having offices at 2852 Kelvin, Irvine, CA 92614 (hereinafter "ASSIGNEE") desires to purchase the entire right, title, and interest in and to the inventions disclosed in the Patent Applications;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) to ASSIGNOR, and other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby further acknowledges that it has sold, assigned, and transferred, and by these presents does hereby sell, assign, and transfer, unto ASSIGNEE, its successors, legal representatives, and assigns, the entire right, title, and interest throughout the world in, to, and under the said improvements, and the said Patent Applications and all Patents that may be granted thereon, and all divisions, continuations, reissues, reexaminations, renewals, and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent that may hereafter be filed for said improvements or for the said Patent Applications in any country or countries foreign to the United States; and ASSIGNOR hereby authorizes and requests the Commissioner of Patents of the United States, and any Official of any country foreign to the United States, whose duty it is to issue patents on applications as aforesaid; to issue all Letters Patent for said improvements and all Letters Patents resulting from the Patent Applications to ASSIGNEE, its successors, legal representatives, and assigns, in accordance with the terms of this Agreement.

ASSIGNOR does hereby sell, assign, transfer, and convey to ASSIGNEE, its successors, legal representatives, and assigns all claims for damages and all remedies arising out of any violation of the rights assigned hereby that may have accrued prior to the date of assignment to ASSIGNEE, or may accrue hereafter, including, but not limited to, the right to sue for, collect, and retain damages for past infringements of the said issued Letters Patents;

ASSIGNOR hereby covenants and agrees that it will communicate to ASSIGNEE, its successors, legal representatives, and assigns any facts known to ASSIGNOR respecting the Patent Applications immediately upon becoming aware of those facts, and that it will testify in any legal proceeding involving any of the Patent Applications, will sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and will generally do everything possible to aid ASSIGNEE, its successors, legal representatives, and assigns to obtain and enforce the Patent Applications in all countries.

DEC-03-1999 11:53

VITAL INSITE, INC.

650 615 4894 P.09/14

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 3<sup>rd</sup> day of December 1999

Vital InSite Inc.

By: Richard G. Caro

Name Printed: RICHARD G. CARO

Title: PRESIDENT & C.E.O.

Date: 12/3/99

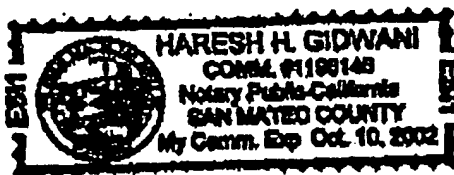
STATE OF CALIFORNIA

COUNTY OF SAN MATEO ss.

On 3<sup>rd</sup> December 1999, before me, HARESH H. GIDWANI, personally appeared Vital InSite Inc. personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



H. H. Gidwani  
Notary Signature

**SCHEDULE OF PATENT APPLICATIONS**

<b>TITLE</b>	<b>SERIAL NO.</b>	<b>FILING DATE</b>	<b>PATENT NO.</b>	<b>ISSUE DATE</b>
<b>Rapid Non-Invasive Blood Pressure Measuring Device</b>	<b>08/672,218</b>	<b>6/26/96</b>		<b>Allowed 9/9/99</b>
<b>CIP-5 of US 5,590,649 Apparatus and Method for Measuring an Induced Perturbation to Determine Blood Pressure</b>	<b>09/026,048</b>	<b>2/19/98</b>		
<b>CIP-6 of US 5,590,649 Apparatus and Method for Measuring an Induced Perturbation to Determine Blood Pressure</b>	<b>09/430,928</b>	<b>11/1/99</b>		
<b>Also all international filings that derive from any of the above.</b>				